

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAZMIN CERNA,
DANIEL CERNA,
ADAM SALINAS TREVINO,
DANIEL LEE WALKER and
CLEO JO WALKER,

Defendants.

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8:05CR163

ORDER

This matter is before the court on the motion for an extension of time by defendant Cleo Jo Walker (Filing No. 41). The defendant seeks an extension of time of thirty days in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 27). Upon consideration, the motion will be granted and the tentative evidentiary hearing scheduled for June 2, 2005, will be canceled.

IT IS ORDERED:

1. Defendant Cleo Jo Walker's motion for an extension of time (Filing No. 41) is granted. Defendant Cleo Jo Walker is given until **on or before June 24, 2005**, in which to file pretrial motions pursuant to the progression order (Filing No. 27). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **May 24, 2005 and June 24, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The tentative setting of an evidentiary hearing for 9:00 a.m. on June 2, 2005, is **canceled** and will be re-scheduled in the event any pretrial motions are filed in accordance with this order.

DATED this 24th day of May, 2005.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge